

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
JULY 13, 2020**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:00 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Debbie Stone, Council Members Janice Elliott, Bill Velto, and Rudy Zuniga

Staff: City Manager Rosemary Hoerning, Interim City Attorney Steven Flower, and City Clerk Keri Johnson

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS**

Lois Sicking Dieter, Upland, spoke in opposition of the Villa Serena development and requested the council to have the Developer complete an Environmental Impact Report.

Shari Wasson stated the Villa Serena development would impact the wildlife on the property and cause environmental impacts. She further stated that the initial study was incomplete and did not address the biological complexity of the site.

Caryn Zappia, encouraged the Council to require an Environmental Impact Report for the Villa Serena development and stated concerns about the weed abatement activity on the property.

Joe Hudson, requested the Council to have the Developer complete an Environmental Impact Report and stated concerns about the wildlife that would be impacted by the development of the property.

Marjorie Mikels, Upland, spoke in support the Friends of the Upland Wetlands and stated opposition to the Villa Serena Development, due to loss of animal habitat and the catch basin for water percolation. She further requested the address for item 4C.

**4. CLOSED SESSION**

At 6:16 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

**A. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Friends of the Upland Wetlands v. City of Upland  
San Bernardino County Superior Court of California Case No. CVIDS2010521

**B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one case).

C. **CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code Section 54956.8

Property: APNs 1046-591-13, 1046-591-12, 1046-591-11, 1046-591-10, 1046-591-09, 1046-591-08

Agency Negotiators: City Manager Hoerning and Development Services Director Dalquest

Negotiating Parties: City of Upland and prospective buyers

Under Negotiation: Price and terms - Instructions in dealing with prospective buyers

The City Council reconvened in open session at 7:09 p.m.

**5. INVOCATION** Rev. Jan Chase, Unity Church of Pomona

**6. PLEDGE OF ALLEGIANCE** Mayor Pro Tem Zuniga

**7. PRESENTATIONS** None

**8. CITY ATTORNEY**

Interim City Attorney Flower announced there was no reportable action from Closed Session.

**9. ORAL COMMUNICATIONS (due to the local emergency concerning the COVID-19 virus public comment was also taken via telephone)**

Marjorie Mikels, questioned the cost of the Kosmont hotel study and why the City would pay for a hotel study instead of Developers. She further spoke about the history of the Colonies flood control channel.

Steven Bicksler, spoke in opposition of the street closures in the downtown and stated that it was affecting the merchants ability to do business since there was no parking for customers.

Linda Trawn timer, spoke in support of the staff and Council working to create a plan to assist the downtown restaurants with outdoor seating options during the COVID-19 restrictions.

**10. COUNCIL COMMUNICATIONS**

Councilmembers commented on recent events and activities throughout the community.

**11. CONSENT CALENDAR**

City Clerk Johnson announced a correction to the Regular Meeting Minutes of June 22, 2020 and stated the minutes would be for approval as corrected.

Councilmember Elliott removed Consent Calendar Item 11I for separate action. Motion by Councilmember Velto to approve the remainder of the Consent Calendar, seconded by Councilmember Zuniga, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of June 19, 2020, the Special Meeting Minutes of June 22, 2020, the Regular Meeting Minutes of June 22, 2020, and the Special Meeting Minutes of June 25, 2020.

B. APPROVAL OF JUNE WARRANT AND PAYROLL REGISTERS

Approved the June Warrant Registers (check numbers 30575-30941 and Direct Disbursements totaling \$6,497,841.40 and Payroll Registers totaling \$1,430,978.79 (check Numbers 161396-161549 and EFT's 21915-22151).

C. TREASURY REPORT MAY 2020

Received and filed the May 2020 Treasury Report.

D. FOURTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH TKE ENGINEERING, INC.

Authorized an amendment to the professional services agreement with TKE Engineering for an amount of \$200,000 to provide map and improvement plan checking services and an additional amount of \$150,000 to provide special engineering and staff augmentation services for a total amount authorized for \$350,000 for fiscal year 2020/21.

E. PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF STREET AND UTILITY IMPROVEMENTS ON ARROW HIGHWAY, BETWEEN BENSON AVENUE AND SAN ANTONIO AVENUE

Approved a Professional Services Agreement for the preparation of street and utility improvement construction documents for Arrow Highway, between Benson Avenue and San Antonio Avenue, with KOA Corporation in the amount of \$177,145.00, and authorize a contingency of \$15,855.00, for a total amount of \$193,000.00; and authorized the City Manager to execute the agreement.

F. SENATE BILL 1 (SB1) ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDING AND PROJECT LIST

Adopted Resolution No. 6552 approving a list of projects for Fiscal Year 2020-2021 funded by SB 1: the Road Repair and Accountability Act of 2017.

G. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ECONOLITE SYSTEMS, INC. FOR TRAFFIC SIGNAL MAINTENANCE SERVICES

Approved an Amendment to the Professional Services Agreement with Econolite Systems, Inc. and authorized the City Manager to execute the amendment.

H. AMENDMENTS TO THE PROGRAM GUIDELINES/POLICIES FOR THE UPLAND HOMELESS OUTREACH PREVENTION AND EDUCATION PROGRAM

Approved and adopted the amended Program guidelines/policies with respect to the Upland – Homeless Outreach Prevention and Education (U-HOPE) Program.

ITEMS REMOVED FOR SEPARATE ACTION

I. CONSIDERATION TO ADOPT A RESOLUTION OF THE CITY COUNCIL RATIFYING EXECUTIVE ORDER 2020-5 OF THE DIRECTOR OF EMERGENCY SERVICES

Development Services Director Dalquest and City Manager Hoerning answered questions posed by the Council regarding the street closures, security for the downtown area and management of the security contract, and the potential use of sidewalk space for merchants to display merchandise.

Motion by Mayor Stone to adopt Resolution No. 6553 ratifying the Director of Emergency Services Executive Order 2020-5 permitting temporary outdoor dining until October 31, 2020 for the purpose of complying with public health orders during the local emergency caused by the COVID-19 pandemic; and authorize the establishment of a small business grant program to assist businesses with establishing suitable outdoor dining space at \$1,000 per business & authorize up to \$29,000 for use by the Downtown Merchant Board for private security funding in the downtown during street closure operations (through October 31, 2020), seconded by Councilmember Zuniga, and carried unanimously.

**12. PUBLIC HEARINGS**

A. PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FIVE-YEAR APPLICATION AND PLAN

Development Services Director Dalquest introduced Christian Rodriguez of LDM who then presented the staff report along with a PowerPoint presentation, which is on file in the City Clerk's office.

Mayor Stone opened the public hearing.

Marjorie Mikels, questioned the percentage of money that would go to residents with above moderate income and stated that the residents who are really in need are the homeless.

Development Services Director Dalquest stated for clarification that the chart that Ms. Mikels referred to regarding the residents with above moderate income was actually from the Housing Element and was not referencing the distribution of public money.

There being no other speakers, Mayor Stone closed the public hearing.

Motion by Councilmember Elliott to adopt Resolution No. 6554 approving the City of Upland Five-Year Permanent Local Housing Allocation (PLHA) Application and Plan; and authorize the City Manager to execute any and all necessary

related documents to implement the PLHA Application and Plan, seconded by Councilmember Velto, and carried unanimously.

**13. COUNCIL COMMITTEE REPORTS**

**A. SPECIAL ECONOMIC DEVELOPMENT COMMITTEE MEETING, JUNE 29, 2020**

Councilmember Zuniga provided a recap of the meeting, which is on file in the City Clerk's Office. This was for information only and no action was required.

**14. BUSINESS ITEMS**

**A. RESOLUTION AUTHORIZING AN EXCEPTION TO THE 180 DAY WAITING PERIOD WHEN HIRING A RETIREE FOR A CRITICAL POSITION**

Assistant City Manager Parker presented the staff report, which is on file in the City Clerk's Office.

Motion by Councilmember Stone to adopt Resolution No. 6555 authorizing an exception to the 180-day wait period when hiring a retiree for a critical position pursuant to Government Code Sections 7522.56 and 21224, seconded by Councilmember Zuniga, and carried unanimously.

**B. PRESENTATION OF A HOTEL MARKET DEMAND ANALYSIS PREPARED BY KOSMONT COMPANIES**

Development Services Director Dalquest presented the staff report, which is on file in the City Clerk's Office.

There was discussion regarding the hotel occupancy rates in the months before the COVID-19 pandemic, the desirability of the site off the 210 freeway and Campus based on visibility and less competition, and the type of hotel that would be proposed for that location.

This item was for information only, no action was taken.

**C. POLICY DISCUSSION CONCERNING THE REQUIREMENTS IN THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN REGARDING MURALS**

Development Services Director Dalquest presented the staff report, which is on file in the City Clerk's Office.

There was discussion regarding the location being in a historic district, the guidelines for murals in the area, and that temporary art could be a venue for attracting people to the downtown.

There was a suggestion to form an art committee for the City and for staff to work on the item and bring it back to Council for direction.

This item was for information only, no action was taken.

**15. ORAL COMMUNICATION (items not on the agenda)**

Stefanie Padilla, stated that the Police Department should stop posting pictures on social media of suspects who are arrested and felt it was a violation of their privacy rights.

Marjorie Mikels, requested that residents attend the public hearing scheduled for July 27, 2020 regarding the potential election for the sale of park land.

Natasha Walton, requested that residents attend the public hearing scheduled for July 27, 2020 regarding the potential election for the sale of park land.


**16. CITY MANAGER**

City Manager Hoerning provided an update on the discussions with San Antonio Regional Hospital regarding the appraisal of land and the reimbursement agreement for election costs. She also provided an update regarding a potential tax measure on the ballot for November 2020 and the progress of the 2020 Census.

**17. ADJOURNMENT**

Mayor Stone adjourned the meeting at 9:29 p.m. The next regularly scheduled City Council meeting is Monday, July 27, 2020.

**SUBMITTED BY**

  
Keri Johnson, City Clerk

**APPROVED**

July 27, 2020